

Comments

- 1) The amendment to the claims was filed on April 15 2009 after notice of appeal, but was refused entry by the Examiner, necessitating this amendment and RCE. Applicant resubmits the claims together with a Request for Continued Examination, and with additional arguments.
- 2) Claims 5-17 are pending in the application, stand finally rejected, and are on appeal from the Examiner's rejection. Claims 5, 8, and 10-14 are amended.
- 3) Claim 8 is amended to correct an inadvertent typographical error.
- 4) Claims 5, and 10-14 are amended in order to present the claims in better form for an appeal, as they clarify that the term Digital Hybrid Subscriber Network is directed to a Fiber To The Curb/Fiber To The Cabinet. Paragraph [0002] provides ample support for such amendment, which can be found elsewhere throughout the application as originally filed.
- 5) The objective of the present invention is to establish a digital FTTC (Fiber To The Curb, Fiber To The Cabinet) subscriber connection comprising an optical fiber and a metallic twisted pair cable (see [0002]). An FTTC is commonly referred to as a digital hybrid subscriber network due to the hybrid nature of mixing electrical and optical transmission method while connecting the subscriber premises.
- 6) Two primary technologies exist for providing such connection: the digital FTTC (Fiber To The Curb, Fiber To The Cabinet) subscriber connection, and the FTTH

(Fiber To The Home) subscriber connection. It is important to recognize that the two topologies are radically different and indeed utilize opposing design philosophies and topologies to provide the subscriber connection. In a FTTH fibers are extended to the subscriber premises – a costly and complex Endeavour. On the other hand, FTTC offers providing acceptably high bandwidth, while using simple and inexpensive conductive wires to the subscriber premises.

- 7) In FTTC subscriber network, data streams for a plurality of subscribers are multiplexed at a central site, and transported over an optical fiber 2 to a Remote Digital Subscriber Line Access Multiplexer (RDSLAM) 103 located nearer to the subscribers. This allows the lengths of the metallic transmission lines 4 to be substantially shorter as compared to a conventional subscriber network, where the metallic cables extend all the way to a telephone exchange or a concentrator 1. As a consequence, the digital transmission speed can be increased considerably, because the shorter the cable is, the higher the usable bandwidth. Similarly, the RDSLAM allows data flow from the user premises to the central site 100. The RDSLAM 103 is typically installed on a street curb or in a cabinet, which gives the FTTC technology its name. A Remote DSLAM (RDSLAM) is well known in the art. It typically comprises i) an electrical multiplexer/demultiplexer, ii) an opto-electrical converter, which couples between an optical fiber 2 and the multiplexer/demultiplexer, and iii) subscriber-specific electrical transmission/receiving circuitry, which may be coupled by conductive

transmission lines 4, to a corresponding subscriber transmission device such as modems 5.

- 8) All of the above-listed elements of a traditional RDSLAM comprise active electronic circuitry requiring operating power supply. Thus there is active electrical circuitry that is common to all subscribers.
- 9) In traditional RDSLAM units the operating power has to be fed to the equipment either from the central site via a power feeding cable or by connecting a power feeding cable from the main system for electricity distribution to the RDSLAM. Doing so increase costs and presents possible safety problems. Moreover, in traditional methods of supplying power to the RDSLAM, power failure to the RDSLAM will cause connectivity failure to all of the subscribers, whether they have power or not.
- 10) Thus providing power presents problems, which the present invention seeks to resolve. The present invention solves the problems described above by modifying the electrical circuitry of a prior art RDSLAM so that the active electrical circuitry common to all subscribers may be removed, making the electrical circuitry of each subscriber independent, and providing power individually to each conversion element in the RDSLAM from the respective subscriber premises. As recited in the independent claims, the following operations are performed (or are arranged to be performed) with a passive optical element:

- (a) receiving of the downstream signals from the at least one optical fiber and distributing the downstream signals to the conversion elements; and
- (b) combining the upstream optical signals received from the conversion elements onto the at least one optical fiber.

11) Due to the usage of the passive optical element, the above-mentioned operations do not require external power (except the power of the signal itself). Therefore, in the claimed invention, the above-mentioned operations are not vulnerable to break-downs of electrical power supply.

12) As further recited in the claims, the conversion elements between the passive optical element and the electrically conductive transmission lines are subscriber-specific and are powered through corresponding subscriber-specific electrically conductive transmission lines. Therefore, a conversion element specific to a certain subscriber is capable of being powered if this subscriber is able to provide electrical power through the corresponding electrically conductive transmission line irrespective whether or not other subscribers are able to provide electrical power for their respective conversion elements. For example, subscriber A may be able to transmit and receive data irrespective of subscriber B's ability to provide power.

13) It is noted that the solution provided by the present invention is superior to the simple provision of power for operating the RDSLAM from the common electrical distribution system as the installation is simplified, safety is enhanced as

no high voltage is required, and the complexity of connecting the RDSLAM to the local power is avoided. The solution of the present invention is also superior to providing power to the conversion units 105 from only one of the subscriber premises as it allows independent operation of specific subscribers, and prevents potential overloading of equipment in the single user equipment.

14) **To summarize, under the present invention those operations that are common to different subscribers are performed with a passive optical element that is not dependent on electrical power supply, and those operations which are dependent on electrical power supply are performed with subscriber specific conversion elements each of which being powered via a respective subscriber-specific transmission line. Hence, the vulnerability of the FTTC network topology to break-downs of the electrical power supply is significantly reduced with the aid of the present invention, and the complexity of feeding the operating power to the equipment either from the central site via a power feeding cable or by connecting a power feeding cable from the common electrical distribution system.**

15) All pending claims stand rejected under 35 U.S.C. §103(a) over Kimbrough. The following argument relates to all claims being rejected and thus are grouped herein for brevity. Applicant respectfully request that the arguments under this section be considered as applying to each of the rejected claims.

a) When taken as a whole, Kimbrough may not be properly used as a reference since it teaches away from the present invention.

16) Kimbrough is directed to Fiber To The HOME (FTTH) (*"A Fiber-to-the-Home (FTTH) multi-media access system are provided"* Kimbrough abstract), (*"...the signals at the output of the splitters are applied to a drop fiber servicing a single home/business...The drop fiber is terminated at the customer premise"*, Kimbrough [0046]). While both FTTH and FTTC technologies aim to provide digital subscriber connection to the premises, the FTTH technology and paradigm are directly opposite to the Fiber To The Curb (FTTC) technology and paradigm. FTTC is an optical network which is a hybrid of optical fibers and conductive transmission lines such as twisted pair and coaxial cables, connecting between a central site and a plurality of subscribers premises. FTTH is a pure optical fiber network from the central site to the subscriber premises. An RDSLAM, being the interface between the optical fiber and the individual premises conductive transmission lines, simply has no place or function whatsoever in the FTTH network topology.

17) As may be clearly seen in the following quoted paragraphs [0009-0010], Kimbrough specifically teaches away from all FTTC solutions.

[0009] These prior art DLC and FTTC systems suffer from several disadvantages. First, these systems are costly to implement and maintain due to the need for sophisticated signal processing, multiplexing/demultiplexing, control, management and power circuits located in the HDT and the ONUs. Purchasing, and then servicing this equipment over its lifetime has created a large barrier to entry for

*many local loop service providers. Scalability is also a problem with these systems. Although these systems can be partially designed to scale to future uses, data types and applications, they are inherently limited by the basic technology underpinning the HDT and the ONUs. Absent a wholesale replacement of the HDT or the ONUs (a very costly proposition), **these DLC and FTTC systems have a limited service life due to the design of the intermediate electronics in the access loop.***

*[0010] Therefore, there remains a general need in this field for a multi-media access system that is scalable and **which does not include complex, costly intermediate electronics in the local access loop between the central office location and the subscriber's premises.** (emphasis added)*

18) When attempting to analyze whether the prior art teaches away from the present invention, one must evaluate the scope of the invention and the prior art as a whole, and if the art teaches away **in any material respect** from the invention, the prima facie case of obviousness is rebutted.

“A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention”. (*W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)).

“A prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.” *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997)) (Emphasis added)

- 19) “Under the proper legal standard, a reference will teach away when it suggests that the developments flowing from its disclosures are unlikely to produce the objective of the applicant’s invention.” (*In re Gurley*, 27 F.3d 551, 553 (*Fed. Cir.* 1994)).
- 20) In *KSR International Co. v. Teleflex* 550 U.S. 127 S. Ct. 1727(2007) (KSR hereinafter) the Supreme Court of the United States approvingly cited *United States v. Adams*, 383 U. S. 39, 40 (1966) that “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious”. *Id.*, 12.
- 21) An inherent objective common to most if not all commercial inventions is the reduction of complexity and cost. The objective of applicants invention is to establish a digital connection network to the subscriber premises. An engineer seeking to design such digital subscriber connection, upon reading the Kimbrough reference would almost immediately encounter statements that the proposed FTTC solution is costly to implement and maintain, that the system is not scalable, and that it has a limited service life. Clearly each of those statements taken separately, and far more so when taken in combination, must be considered as having negative material effect on the desirability of such solution, thus leading the reader away from such solution.
- 22) Applicants further submit that in the present case, even if, *arguendo*, the present invention may be derived from the combination of Kimbrough and Natra, Kimbrough’s clear teaching away from the whole technology and topology of

FTTC dictates that any discovery that produces an FTTC solution, may not be properly considered obvious in light of Kimbrough.

- 23) For the reasons provided above, applicants submit that the Kimbrough reference should be disqualified as a reference in the present case, and that the finding of obviousness should be withdrawn.

b) The proposed modification would impermissibly render the Kimbrough prior art unsatisfactory for its intended purpose and change the principle of its operation

- 24) In the third paragraph of page 4 the examiner admits that Kimbrough does not teach an RDSLAM. Similar positions are taken in page 8, third paragraph regarding claim 10, in page 12 last paragraph regarding claim 14. However the Examiner forwarded the position that *“it would have been obvious to a person of ordinary skill in the art at the time of invention to locate one or more home network units (HNU)s in combination with the outside plant (OSP) with its passive optical coupler, thereby forming an RDSLAM in a single unit.” Id. at 4.*

- 25) MPEP 2143.02 (V) states: If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

26) MPEP 2143.02 (VI) states “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.” *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); ... The court reversed the rejection holding the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.” 270 F.2d at 813, 123 USPQ at 352.).

27) The Kimbrough reference is directed to a FTTH system and the HNU in Kimbrough is SPECIFICALLY a HOME NETWORK UNITE. Removing the HNU from the home and placing it in the outside plant as proposed by the Examiner would render the HNU unfit for its intended purpose. The purpose of the HNU is pervasively described in the Kimbrough patent, but perhaps most clearly in paragraph 3:

The present invention is directed toward the field of broadband multi-media communication systems. More specifically, the invention is a scalable multi-media Fiber-To-The-Home (FTTH) access system that enables the efficient delivery of telephony, Internet Data, CATV, video-on-demand (VOD), direct broadcast satellite (DBS), and other multi-media services via a passive optical network coupled between special-purpose multi-media interface circuitry located at a central office location and a plurality of Home Network Units (HNUs) located at subscriber homes or businesses.
(emphasis added)

28) The modification suggested by the Examiner, which will remove the HNU from the subscriber home or business would clearly render the HNU unsatisfactory for its intended purpose. Moreover the modification would impermissibly modify the principle of operation of the Kimbrough reference from a FTTH to FTTC type network, and would require substantial reconstruction and redesign of the elements shown in Kimbrough, as well as a change in the basic principle under which the Kimbrough construction was designed to operate. It will require redesigning the HNU, removing the drop fibers leading to the home, and furthermore require a conductive line from the outside plant to for each and every device connected to the HNU which is now located away from the home. Thus the POTS devices, the satellite set-top boxes, and the CATV receivers would each require its own electrically conductive transmission lines, each stretching, as per Kimbrough paragraph 46, up to 3.3 kft in length! Such undesirable change will again make the proposed combination unsatisfactory for its intended use.

Thus appellants submit that as the proposed modification will change the principle of operation of the Kimbrough reference, and will make the reference unsatisfactory for its intended use the combination is impermissible and thus the finding of obviousness is improper and the rejection should be withdrawn.

c) The examiner motivation to combine Kimbrough and Natra is improper and improperly uses hindsight.

29) On the second paragraph of page 4 of the Office action, the Examiner claims that powering the subscriber interface to an optical network is identified in paragraph 9 of Kimbrough. Similar positions are taken in page 8, third paragraph regarding claim 10, in page 12 last paragraph regarding claim 14. Applicant respectfully disagrees.

30) Paragraph 9 of Kimbrough states:

[0009] These prior art DLC and FTTC systems suffer from several disadvantages. First, these systems are costly to implement and maintain due to the need for sophisticated signal processing, multiplexing/demultiplexing, control, management and power circuits located in the HDT and the ONUs. Purchasing, and then servicing this equipment over its lifetime has created a large barrier to entry for many local loop service providers. Scalability is also a problem with these systems. Although these systems can be partially designed to scale to future uses, data types and applications, they are inherently limited by the basic technology underpinning the HDT and the ONUs. Absent a wholesale replacement of the HDT or the ONUs (a very costly proposition), these DLC and FTTC systems have a limited service life due to the design of the intermediate electronics in the access loop. (Emphasis added)

Paragraph 9 is directed towards teaching the shortcomings of the FTTC network and describes DLC (Digital Loop Carrier) and FTTC systems as costly to implement and maintain due to the need for power CIRCUITS in the HDT and ONU, amongst a plurality of other disadvantages of such systems. Kimbrough does NOT identify powering the subscriber interface to an optical network, but

identified that DLC/ONU require power circuits, as part of teaching away from using the FTTC technology. In Kimbrough's FTTH topology such problem does not exist, and the network from the HOME network unit to the central office is carried out by a passive optical network and as the optical splitter 46 is a passive optical coupler that does not require powering.

Therefore, appellants submit that the motivation provided by the Examiner to combine the Kimbrough and Natra references is improper.

31) In consideration of all the showings made supra the applicants respectfully requests that the rejection of all the claims should be reconsidered and withdrawn.

32) Regarding claims 5-9, applicant submits the following arguments:

a) Kimrough does not teach a FTTC / digital hybrid subscriber network

33) In re Lee, 277 F.3d 1338, 61USPQ2d 1430, (Fed. Cir.), dictates that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the reference (or references when combined) must teach or suggest all the claim limitations.**

34) In the preamble, as well as throughout the application, the appellants clearly described their invention as related to a Fiber To The Curb/Fiber To The Cabinet (FTTC) technology. FTTC technology is a hybrid of optical fiber and conductive wire to the user premises. That hybrid nature of such network is prescribed in the claim, with the required limitations that at least one optical fiber is coupled to an RDSLAM, and that a plurality of user premises are coupled to the RDSLAM by subscriber specific, electrically conductive transmission lines. On the other hand, the Kimbrough patent is specifically directed to bringing a cable to the HOME (“*A Fiber-to-the-Home (FTTH) multi-media access system are provided*” Kimbrough abstract), (“*...the signals at the output of the splitters are applied to a drop fiber servicing a single home/business...The drop fiber is terminated at the customer premise*”, Kimbrough [0046]).

35) In her Office Action dated 11/25/2008 the Examiner stated: “*Kimbrough teaches a method of establishing subscriber connections between a central site and a plurality of subscriber premises in a digital hybrid subscriber network*”

36) Applicants respectfully argue that the Examiner failed to provide proper weight to the difference between a pure fiber based network from the central site to the subscriber premise/home (FTTH), and the hybrid fiber network such as the claimed FTTC network wherein a fiber connects the central site to a conversion element that is in turn coupled to conductive transmission lines such as twisted pair, coaxial lines, and the like. Even the Natra reference does not provide a hybrid optical fiber/electrical network. Thus, the rejection failed to provide the environment in which the invention operates, and all the

claimed limitations, as Kimbrough does not disclosed a FTTC network but a FTTH network.

b) The Examiner improperly replaced the claimed RDSLAM with a 'subscriber interface'

37) In the body of claim 5, and thus also in dependent claims 6 -9, the first clause recites:

"Coupling an RDSLAM by at least one optical fiber to the central cite" ... " . An RDSLAM (Remote Digital Subscriber Loop Access Multiplexer) is an established term for a compact device of a FTTC (Fiber To The Curb/Cabinet) network topology, located in a cabinet sitting for example in a street corner.

38) In her rejection of claim 5, the Examiner cited "coupling a SUBSCRIBER INTERFACE to an optical network by at least one fiber to the central cite (see Figure 1: optic fiber 44 connects the **subscriber interface** (items 46 and 50))" (emphasis added).

39) An examination of the Kimbrough reference shows that item 46 is defined as a passive optical coupler located at the outside plant, away from the subscriber premises, and that item 50 is a CLE/HNU- Customer Located Equipment/Home network unit. See Kimbrough paragraph [0046]: *"The various multi-media signals on the fibers are preferably transmitted for distances up to 33kft without amplification before being terminated by the passive splitters serving each group of four customers. The signals at the output of the splitters are applied to a drop fiber servicing a single home/business that can be up to 3.3kft in length."*, and paragraph [0053]: *"Delivery of services is CLE (Customer Located Equipment) based 16. A single, locally powered CLE unit 50 (HNU) provides voice, video and data services from the fiber 48 entering the home."* Further see

paragraph [0057]: “*The OSP is constructed of fiber cables 44 extending from a central or remote switching location throughout the service area. Each fiber provides service preferably to four homes. The signals on the fibers are transmitted for distances up to 33 kft, without amplification, before termination at a passive splitter 46. The 4:1 splitter terminates the fiber 48 in close proximity (3.3 kft or less) to four homes or living units. A single fiber drop 48 extends from the splitter 46 to each of the living units and terminates at the HNU 50.*”

- 40) There is a clear difference between an RDSLAM which interfaces a fiber carrying signals to a plurality of subscriber premises, multiplexes/demultiplexes those signals, and feeds them respectively to a plurality of subscriber specific conductive transmission lines, and the Kimbrough passive splitter which feeds a plurality of **drop fibers** to the premises of the subscribers. The former deals with common wiring to the home, while the latter feeds the signal via drop fibers servicing the respective CLE/HNU located at the subscriber premises.
- 41) While applicants admit one may not properly require that a reference will use *ipsis verbis* terms in order to equate elements between references, the function and operational manner of the equated elements must be considered when examining the propriety of equating elements. In this case the appellants submit that there is a well established meaning to the term RDSLAM and that the Examiner combination of Kimbrough’s passive optical splitter and HNU may not be considered an RDSLAM even given the broadest reasonable interpretation. The Examiner erred by improperly equating the RDSLAM with the combination of the passive optical splitter 46 and CLE/HNU 50, and failed to show all claimed limitations. Thus the rejection is improper.

c) The Examiner's erred in equating an HNU with the claimed "conversion element in the RDSLAM"

42) Claim 5 cites inter alia:

- coupling a plurality of subscriber transmission devices to the RDSLAM via a corresponding plurality of subscriber-specific electrically conductive transmission lines;
- coupling each subscriber-specific electrically conductive transmission line to a corresponding one of subscriber-specific conversion elements in the RDSLAM;
- and
- coupling each of the conversion elements optically to the passive optical element,

43) In her rejection of claim 5, the Examiner cited: "coupling each subscriber-specific electrically conductive transmission line to a corresponding one of subscriber-specific conversion elements in the subscriber interface to an optical network (See paragraph 62);"

44) The claim relates to a plurality of conversion elements residing in the RDSLAM, each directed at a single subscriber premises. Each conversion element is coupled to a transmission device residing in a respective subscriber premise. While the claimed language requires that the plurality of conversion elements to reside in the RDSLAM, a condition not met by the Kimbrough reference, it is helpful to compare the Examiner's interpretation of the claim term "subscriber-specific transmission device"

- 45) Even if, *arguendo*, the Examiner's equating an RDSLAM to a combination of HNU 50 which resides in the subscriber home and the passive optical splitter 46 which resides in the outside plant, then the claim terms dictate that the plurality of subscriber transmission devices to the RDSLAM is not supported by Kimbrough's Fig. 1 or paragraph 62. Paragraph 62 does not mention the plurality of subscriber transmission devices, but an examination of Fig. 1 shows wires 56, 58, and 60 coupled to telephone POTS (Plain Old Telephone Service), satellite TV set-top box, and CATV receiver respectively, ALL connected to a SINGLE HNU. The claim limitations require that each such transmission device will be connected to a corresponding ONE OF SUBSCRIBER SPECIFIC CONVERSION ELEMENT via the corresponding subscriber specific transmission lines. Clearly, the equation of the telephone, satellite TV and CATV may not be properly considered as subscriber transmission device that fall under the claim. Thus the applicants submit that the Examiner did not provide all the claim elements, and that the rejection is improper.
- 46) In further consideration of all the showings made *supra* the applicants respectfully submit that the Examiner's rejection of claims 5-9 should be reversed.
- 47) Regarding claims 10-13, applicants submit first, as shown above, Kimbrough does not teach a digital subscriber network such as the claimed FTTC network.
- 48) Furthermore, applicants submit that the Examiner erred in ignoring the claim limitation requiring the RDSLAM to be located at an intermediate site between the central site and the subscriber transmission devices.

49) In the body of claim 10, and thus also in dependent claims 11-13, the clause recites: - *an RDSLAM coupled to a second end of the at least one optical fiber, the RDSLAM being located at an intermediate site between the central site and a plurality of subscriber transmission devices and the RDSLAM being further provided with a passive optical element coupled with the at least one optical fiber, and with a plurality of subscriber specific conversion elements coupled to the passive optical element;* (emphasis added).

50) In her rejection of claim 10, the Examiner opined that Kimbrough disclosed a 'subscriber interface to an optical network' being located at an intermediate site between the central site and a plurality of subscriber transmission devices, and cited items 46, 50, 48, and 52 to support this assertion. In the discussion regarding the rejection of claim 5 it was established that the Examiner (improperly) equated items 46 and 50 as the equivalent of an RDSLAM. However it is clear from examining Fig. 1 that while the passive optical splitter 46, and a major part of item 48 are indeed located the intermediate site, it is clear that both the HNU 50 and the WDM 52 are collocated with the elements coupled to 60, 58, and 56 (CATV, telephone and satellite TV set-top box), which by simple construction must correspond to the claimed subscriber transmission devices. Thus the claim limitation is not satisfied, and the rejection is improper.

51) Applicant respectfully submits that the Examiner improperly replaced the claimed RDSLAM with a 'subscriber interface'. In addition to the arguments made regarding claim 5 and its dependent claims, claim 10 and its dependents further place a clear physical limitation on the location of the RDSLAM, which further bolster appellants position that the combination of a passive optical splitter and an HNU may not be properly equated with an RDSLAM. The appellants submit that there is a well established

meaning to the term RDSLAM and that the Examiner combination of Kimbrough's passive optical splitter and HNU may not be considered an RDSLAM even given the broadest reasonable interpretation. The Examiner erred by improperly equating the RDSLAM with the combination of the passive optical splitter 46 and CLE/HNU 50, and failed to show all claimed limitations. Thus the rejection is improper.

52) For reasons similar to those shown above regarding claim 5 applicant respectfully submits that the Examiner's further erred in equating an HNU with the claimed "conversion element in the RDSLAM", with regard to claims 10-13.

53) With regard to claims 14-17, applicant submits that as shown above Kimbrough does not teach a digital subscriber network such as the claimed FTTC network.

54) Furthermore, Kimbrough does not teach an RDSLAM:

55) Claim 14 is directed to an RDSLAM equipment for a digital hybrid subscriber network (see claim preamble).

56) In her rejection of claim 14 the Examiner stated (page 11 first paragraph): "For Claim 14, Kimbrough teaches a subscriber interface to an optical network for a digital hybrid subscriber network (see Figure 1 items 46 and 50, 52, and 60, 58, and 56), the RDSLAM equipment comprising:"

57) Even by her own words, the Examiner did not state that Kimbrough teaches an RDSLAM but a "subscriber interface to an optical network for digital hybrid subscriber network." The connection between such subscriber interface and an RDSLAM has not been shown.

Thus appellants submit that the Examiner failed to show an RDSLAM and that the rejection is improper.

58) Applicant has made a good faith effort to address each and every point made by the Examiner, and amended the claims in order to place the application in condition for allowance. Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.

59) In light of the showing and all other reasons stated above, applicant believes that the rejections and objections presented by the Examiner were overcome. Applicant therefore submits that the claims as amended are in condition for allowance. Reconsideration and withdrawal of the rejection and issue of a notice of allowance on all pending claims is respectfully solicited.

Respectfully submitted

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